

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT—CIVIL/AGENCY CASES

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	15-1198 Barfield v. KCSO and Threatt
Originating No. & Caption	3:13-cv-03569-TLW Barfield v. KCSO and Threatt
Originating Court/Agency	United States District Court for District of South Carolina

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 USC 1291	
Time allowed for filing in Court of Appeals	30	
Date of entry of order or judgment appealed	1/29/15	
Date notice of appeal or petition for review filed	2/24/15	
If cross appeal, date first appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
This is a 42 USC 1983 action against a sheriff's deputy based on his arrest and excessive force against Plaintiff.
The district court granted summary judgment to the Defendants.

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

Whether the district court erred in granting summary judgment when there was a material and genuine dispute of fact in the record.

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Kershaw County Sheriff's Office

Attorney: H. Thomas Morgan, Jr.
Address: Dubose-Robinson, PC
PO Drawer 39
Camden, SC 29020

E-mail: tommy@duboselaw.com

Phone: (803) 432-1992

Adverse Party: Aaron Threatt

Attorney: H. Thomas Morgan, Jr.
Address: Same

E-mail:

Phone:

Adverse Parties (continued)

Adverse Party:

Attorney:
Address:

E-mail:

Phone:

Adverse Party:

Attorney:
Address:

E-mail:

Phone:

Appellant (Attach additional page if necessary.)

Name: Kenneth Michael Barfield	Name:
Attorney: Joshua Snow Kendrick	Attorney:
Address: Kendrick & Leonard, PC PO Box 6938 Greenville, SC 29606	Address:
E-mail: josh@kendrickleonard.com	E-mail:
Phone: (864) 760-4000	Phone:

Appellant (continued)

Name:	Name:
Attorney:	Attorney:
Address:	Address:
E-mail:	E-mail:
Phone:	Phone:

Signature: s/ Joshua Snow Kendrick **Date:** 2/26/15

Counsel for: Appellant Barfield

Certificate of Service: I certify that on 2/26/15 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):

via ECF	
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Signature: <u>s/ Joshua Snow Kendrick</u>	Date: <u>2/26/15</u>
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